

**Partial Equalities Impact Assessment (EQIA)**

# **Circular Economy Bill Proposals**

**November 2019**



**Scottish Government**  
Riaghaltas na h-Alba  
gov.scot

## **Title of Proposal:** Circular Economy Bill Proposals

The circular economy bill consultation proposes primary legislation supporting innovative approaches to reducing, reusing and recycling materials and helping to deal with items that cause environmental harm.

This partial Equalities Impact Assessment (EQIA) is published in conjunction with a Scottish Government consultation (<https://consult.gov.scot/environment-forestry/circular-economy-proposals-for-legislation/>) which runs from 7 November 2019 to 19 December 2019. Responses to the consultation will help inform the policy process.

The powers proposed for inclusion in the circular economy bill are primary (enabling) powers. Subsequent secondary legislation will be used to enact the policies detailed in the circular economy bill. Secondary legislation will be subject to further impact assessments including a partial and full EQIA and consultation.

### **Background**

In September 2019, the Scottish Government committed to a circular economy bill that would advance Scotland's ambitions for the circular economy through measures which will encourage re-use of products and reduce waste. The bill will also tackle Scotland's reliance on single-use items that are proven to cause environmental harm.<sup>1</sup>

The proposals for legislation form part of wider plans for a step-change in the approach to reducing, reusing and recycling materials, which will help drive Scotland's circular economy and the transition to net zero emissions.

### **Rationale for Government intervention**

The Scottish Government's circular economy objectives can be summarised as:

- Reducing waste
- Reducing litter
- Reducing carbon and resource footprint
- Increasing recycling rates and quality of recyclate
- Maximising economic opportunities

Our work directly links to the UN Sustainable Development Goal 12: Ensure sustainable consumption and production patterns. Creating sustainable growth is a key part of the Scottish Government's Purpose and the circular economy particularly contributes to the Environment and Economy outcomes under the National Performance Framework. Progress is measured through the carbon footprint and waste generated indicators<sup>2</sup>.

Resource use and waste generation are recognised as key sources of greenhouse gas generation and the Scottish Government reports on progress against both territorial and consumption emissions.

---

<sup>1</sup> [Programme for Government](#)

<sup>2</sup> <https://nationalperformance.gov.scot/>

On 31 October the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 received Royal Assent. Building on the Climate Change (Scotland) Act 2009, the 2019 Act sets a new target for net-zero emissions of all greenhouse gases by 2045. The 2019 Act also sets new interim reduction targets of all greenhouse gases in 2020 (56%), 2030 (75%) and 2040 (90%). Implementing the policies proposed for the circular economy bill will contribute to delivering the net-zero emissions target.

In May 2018 the European Commission approved the Circular Economy Package legislation which aims to move economies towards adopting more circular approaches. In March 2019 the European Commission adopted the Circular Economy Action Plan.<sup>3</sup> The Action Plan includes a balanced mix of voluntary initiatives and regulatory actions on production, consumption, waste management and secondary raw materials. It also identifies five priority sectors: plastics, food waste, biomass and bio-based products, critical raw materials and construction and demolition.

### Proposed measures for the circular economy bill

The proposed measures for the circular economy bill will introduce enabling powers aimed at addressing a range of issues to encourage wider behaviour change around resource use, consumption and waste disposal. The proposed bill measures include:

#### Environmental charging

We propose a power that will enable Scottish Ministers to introduce a charge on the provision of items, such as single-use disposable items, that are harmful to the environment, can be replaced with sustainable alternatives or are problematic to recycle.

The intention is that single-use disposable beverage cups will be the first item Scottish Ministers would apply the charge to. This is in line with recommendations made by the Expert Panel on Environmental Charging and Other Measures (EPECOM).<sup>4</sup> We are also seeking views on what other items might be subject to similar charges in the future.

Secondary legislation will be required in order to allow Scottish Ministers to introduce charges for specific items, such as the single-use disposable beverage cups. At that stage, partial and final EQIAs will be undertaken, which will assess benefits and potential impacts on equalities and protected characteristics.

#### Mandatory reporting of waste and unwanted surplus

We propose a power that will enable Scottish Ministers to require mandatory public reporting of waste and unwanted surplus stock of certain materials by Scottish businesses. We are also seeking views on other measures to encourage the reuse and redistribution of unwanted surplus stock, such as clothing and textiles.

---

<sup>3</sup> [EU Circular Economy Action Plan](#)

<sup>4</sup> [Expert Panel Recommendation and Scottish Government response](#)

The intention is that food waste and surplus would be a first priority for mandatory reporting, with clothing and textiles also being considered.

At the point of specifying certain materials through secondary legislation, partial and final EQIAs will be undertaken which will assess benefits and potential impacts on equalities and protected characteristics.

#### Strengthening approach to household recycling collection services

Within the context of the circular economy bill, we are considering the value of a move away from the voluntary approach to Scotland's Household Recycling Charter towards a more mandated approach, by enabling the Scottish Ministers to place further requirements on local authorities regarding household collection services. The intention is that such an approach would help increase the rate and quality of recycling and the provision of more consistent collections across the country. We are also interested in whether existing obligations on householders are sufficient to encourage engagement in recycling.

Any power in the bill would be an enabling power and secondary legislation would be required to bring any changes into force. This would follow consultation with local authorities, the Convention of Scottish Local Authorities (COSLA) and other relevant parties. Partial and full EQIAs will be completed in line with development of any secondary legislation, and these will assess the impacts on any of the protected characteristics.

#### Improved enforcement powers

We propose a power to enable the relevant Scottish authorities to seize vehicles suspected of waste crime. The intention is to ensure similar legislative provisions exist in Scotland to match those in England and Wales.

Secondary legislation will be required to give the Scottish Environment Protection Agency (SEPA) these powers. At that stage, partial and final EQIAs will be undertaken which will assess benefits and potential impacts on equalities and protected characteristics.

We also propose a new enabling power that will allow a fixed penalty notice to be issued to the registered keeper of a vehicle when a littering offence has been committed from that vehicle. This will both increase the deterrent effect and the options available to enforcement officers in tackling roadside littering.

Secondary legislation will be required in order to allow Scottish Ministers to implement the fixed penalty regime. At that stage, partial and final EQIAs will be undertaken which will assess costs and benefits that a fixed penalty would bring by deterring littering behaviour.

#### Whom will it affect?

The Scottish Government has given consideration to eight protected characteristics:

- Age;
- Disability;

- Gender reassignment;
- Pregnancy and maternity;
- Race;
- Religion
- Sex; and
- Sexual orientation.

The purpose of focussing on these protected characteristics is to:

- Eliminate discrimination, harassment and victimisation;
- Advance equality of opportunity; and
- Foster good relations.

With the exception of the environmental charging powers and littering from vehicles fixed penalty, the proposed powers in the bill do not directly affect members of the public.

A positive impact of the measures in the bill will be its impact on littering in both terrestrial and aquatic environments in Scotland. Littering has been one of the most frequently reported neighbourhood problems in Scotland since 2006,<sup>5</sup> and disproportionately impacts on deprived neighbourhoods. Previous research suggests littering also imposes a real cost on society.<sup>6</sup>

Young people may benefit more from reduced littering as they perceive it to be more of a problem. People aged between 16-24 are more likely to report neighbourhood littering as very or fairly common (35%), compared to those aged 60-74 (27%). The evidence suggests that litter is a social problem that particularly affects young people's perceptions of their own neighbourhood.

Measures that reduce littering, such as environmental charging and penalties for littering from vehicles, could be reasonably predicted to have a positive impact on people's sense of neighbourhood generally, and particularly for young people.<sup>7</sup> The measures will also positively benefit Scotland's climate change commitments, leading to fewer carbon emissions which will benefit communities in both Scotland and abroad.

What might prevent the desired outcomes being achieved?

Achieving the desired outcomes will be dependent on businesses and consumers adopting new behaviours. The measures are designed to stimulate this behaviour change but are not the only factors which influence business and consumer behaviour.

---

<sup>5</sup> [Scottish Household Study 2016](#)

<sup>6</sup> [Scotland's Litter Problem](#)

<sup>7</sup> <https://www.gov.scot/publications/scotlands-people-annual-report-results-2017-scottish-household-survey/>

Consideration has been given as far as possible to potential impacts based on the evidence gathered during this equality impact assessment process leading up to the public consultation.

## Stage 1: Framing

### Results of framing exercise

The circular economy bill will outline enabling powers to take forward the proposed measures and, after public consultation, these provisions will be developed in more detail. This partial EQIA covers the bill leading up to consultation.

As the legislation is developed the Scottish Government will continue to consider potential equality impacts and whether specific provision may be needed to address any potential disproportionate impact on people who share one or more of the protected characteristics. Further equality assessment will be needed as the more detailed secondary legislation for each of the proposed measures, following on from the bill, is developed and implemented.

This partial EQIA has considered the potential impacts of the bill proposals on the protected characteristics under the Equality Act 2010 of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation leading up to the consultation. Some of the initial proposed measures may include the power to place a financial charge on consumers through, for example, the purchase of single-use items, which has the potential to affect a range of people.

## Stage 2: Data and Evidence Gathering

### Environmental Charging

The enabling power to set a charge for environmentally harmful items could allow for charging on a range of single-use items. The equalities implications of charging for different items are entirely dependent upon the item in question and the situations in which it is used. It is proposed that, in line with the recommendations of the Expert Panel on Environmental Charging and Other Measures, single-use disposable beverage cups will be the first item to which an environmental charge could be applied.

A full EQIA will be required where secondary legislation is being developed and the exact nature of the items have been defined. In particular, future EQIAs should consider where single-use items may serve a necessary function or an alternative reusable item would cause undue burden due to the presence of one or more of the protected characteristics.

The Expert Panel has identified that environmental charging may have impacts on disabled people, including both physical and cognitive disabilities, who may have a requirement for the item that is subject to the charge or have more difficulty in adapting their behaviour to adopt reusable alternatives. Environmental charges may therefore disproportionately affect this group.

We are not aware of any relevant existing evidence of any impact on the other protected characteristics (age, sex, pregnancy and maternity, gender reassignment, sexual orientation, race, religion or belief or marriage and civil partnership). However, we note the importance of undertaking a full EQIA when the measure is being introduced through secondary legislation and to give consideration to how each item included in legislation could impact on any of the protected characteristics.

#### Mandatory reporting of waste and unwanted surplus

We are not aware of any relevant existing evidence at this time on any of the protected characteristics in relation to the introduction of enabling powers to mandate reporting of waste and unwanted surplus.

#### Strengthening approach to household recycling collection services

The enabling powers proposed will not have any direct equalities impacts in themselves. However, it may be that there will be a requirement to increase participation and engagement with recycling services by householders, in which case there may be implications for the protected characteristics (such as age and disability). This will be considered further during the development of any secondary regulations and associated guidance.

#### Improved enforcement powers

The enabling powers proposed for seizing vehicles associated with waste crime will not have any direct equalities impacts. Vehicle seizures themselves could have equalities implications if people with certain protected characteristics are more likely to suffer financial or mobility difficulty as a result of their vehicle being seized. A full EQIA will be conducted when secondary legislation is introduced.

The policy is expected to have a positive benefit to society by helping to reduce waste crime, which currently has a significant economic and environmental cost.

The littering from vehicles enabling power will also not have any direct equalities impacts. A fixed penalty notice could have equalities implications if people with certain protected characteristics are more likely to receive a penalty or have greater problems paying it. A full EQIA will be conducted when secondary legislation is introduced. This will further explore whether protected characteristics, particularly a disability including cognitive disability or age, can impact on the ability of someone to comply with the proposed requirements or pay a fixed penalty notice. Consultation should take this into consideration as the fine levels and payment terms are being developed.

The policy is expected to have a positive benefit to society by helping to reduce littering.

### Stage 3: Assessing the impacts

#### Initial summary reflection

As this is a partial EQIA it is not intended to be a definitive statement or a full assessment of potential impacts. However, it does present preliminary and indicative impacts that will require further consideration by the Scottish Government to inform



the decision-making process in relation to proposed measures within the circular economy bill both during and after consultation has taken place.

It is important that the protected characteristics listed are not independent of each other and some people may have to deal with complex and interconnected issues related to one or more of the protected characteristics.

Environmental charges may impact on disabled people, with both physical and cognitive disabilities, more than others. Consideration should also be given to how littering from vehicles penalties and vehicle seizures enforcement may impact people with protected characteristics.

#### Iteration of the measures of the bill

Any of the potential negative impacts that have been identified through the planned consultation process could be mitigated through the iteration of the revision of the Bill and subsequent regulations as they are developed. Further EQIAs will be developed for each of the measures and will take into account the views of individuals and representative equality groups.

The Circular Economy Policy Team will look for evidence to fill any knowledge gaps by engaging directly with organisations representing groups and communities that may be affected by the development and any revision of the legislative proposals.

These submissions will be taken into account together with any additional evidence gathered during discussions at consultation events and from formal responses received.

#### Stage 4: Decision making and recommendations

There is some evidence<sup>8</sup> that the proposed power to place a charge on environmentally harmful items may impact on people who share one or more of the protected characteristics. There are a number of legislation-making powers in the Bill, and in developing the regulations, the Scottish Government will continue to consider potential equality impacts and whether specific provision may be needed to address any potential disproportionate impact on people who share one or more of the protected characteristics.

Specific input and engagement of equalities organisations will be essential throughout the legislative process in raising awareness and understanding of the key issues affecting a wide range of diverse groups and individuals.

The items in the bill are designed to have a positive impact on Scotland's environment and this will have a positive social impact, including on people with protected characteristics.

---

<sup>8</sup> [Expert Panel Recommendation](#)



## Stage 5: Authorisation of EQIA

Please confirm that:

- ◆ This Equality Impact Assessment has informed the development of this policy:

Yes  No

- ◆ Opportunities to promote equality in respect of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation have been considered, i.e.:

- Eliminating unlawful discrimination, harassment, victimisation;
- Removing or minimising any barriers and/or disadvantages;
- Taking steps which assist with promoting equality and meeting people's different needs;
- Encouraging participation (e.g. in public life)
- Fostering good relations, tackling prejudice and promoting understanding.

Yes  No

- ◆ If the Marriage and Civil Partnership protected characteristic applies to this policy, the Equality Impact Assessment has also assessed against the duty to eliminate unlawful discrimination, harassment and victimisation in respect of this protected characteristic:

Yes  No  Not applicable

### Declaration

**I am satisfied with the equality impact assessment that has been undertaken for the Circular Economy Bill Proposals and give my authorisation for the results of this assessment to be published on the Scottish Government's website.**

**Name: Donald McGillivray**

**Position: Deputy Director, Environmental Quality and Circular Economy Division**

**Authorisation date: 6 November 2019**



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

© Crown copyright 2019

**OGL**

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](https://nationalarchives.gov.uk/doc/open-government-licence/version/3) or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at [www.gov.scot](http://www.gov.scot)

Any enquiries regarding this publication should be sent to us at

The Scottish Government  
St Andrew's House  
Edinburgh  
EH1 3DG

ISBN: 978-1-83960-325-9 (web only)

Published by The Scottish Government, November 2019

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS623410 (11/19)

W W W . g o v . s c o t